IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

OP.No. 7639 of 2001(H)

PETITIONERS:
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1. C.R.SURAJ BABU, MEENAKSHI MANDIRAM,
BINNY ROAD, PALLURUTHY, COCHIN-6

2. GOPALAKRISHNA PILLAI, 8/1314,
PALLIRKAVU ROAD, COCHIN-2

BY ADV. SRI.T.O.XAVIER
SRI. ARUN S. RAJ - B/O

RESPONDENTS:
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1. DEPUTY TAHSILDAR (R.R.)
TALUK OFFICE, KOCHI

2. ADDITIONAL SALES-TAX OFFICER,
TRIPUNITHURA

3. DISTRICT COLLECTOR, ERNAKULAM

4. K.K.PRABHAKARAN PILLAI, MANAGING DIRECTOR,
VIAMCO IMPEX LTD., CC 27/356, PANAMPILLY NAGAR,
COCHIN 16.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 17/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.12447/2001 IN O.P.NO.7639/2001

DISMISSED.

17-1-2007 SD/- KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE NOTICES SERVED ON THE PETITIONERS UNDER REF.O.A3-2242/01

EXT.P1(a) TRUE COPY OF THE NOTICE DATED 2-3-01 SERVED ON THE PETITIONERS.

/ TRUE COPY /

KURIAN JOSEPH, J.

O.P.No.7639 of 2001

Dated this the 17th day of January, 2007

JUDGMENT

Petitioners approached this court aggrieved by the recovery steps initiated against them. There is an interim order of stay in C.M.P.No.12444/2001 eversince 7-3-2001. There is no counter affidavit. The main grievance of the petitioners appears to be that the petitioners were not issued notice prior to the recovery. It is seen from the averments that the recovery is towards sales tax arrears for the period from 1994-95 from the former Directors of a public limited company whose Managing Director is none other than who is impleaded as the 4th respondent. The main ground is regarding want of notice. In the above facts and circumstances of the case the writ petition is disposed of making it clear that it will be open to the second respondent to issue notice to the petitioners, regarding the liability leading to the impugned recovery, grant an opportunity for hearing and then pass appropriate orders. Till the action is taken as above by the second respondent the interim order passed by this court will continue.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.7639/2001

JUDGMENT

17th January, 2007